

Exhibit D

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 EASTERN DIVISION-RIVERSIDE

4 HONORABLE VIRGINIA A. PHILLIPS, JUDGE PRESIDING

5 UNITED STATES OF AMERICA,)

6 Plaintiff,)

7 V.)

) DOCKET NO. EDCR 03-84 (A) VAP

8 RODRICK REED,)

9 Defendant.)

10
11 REPORTER'S TRANSCRIPT OF SENTENCING PROCEEDINGS
12 Riverside, California
13 Tuesday, January 17, 2006

14 PHYLLIS A. PRESTON, CSR
15 License No. 8701
16 Official Court Reporter
17 United States District Court
18 3470 Twelfth Street
19 Riverside, California 92501
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APPEARANCES

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1 TUESDAY, JANUARY 17, 2006, RIVERSIDE, CALIFORNIA

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3 THE CLERK: Calling Item No. 1, EDCR 03-84(A) VAP,
4 United States of America versus Rodrick Cardale Reed.
5 Counsel, appearances, please.

6 MR. SEARIGHT: Tim Searight and Christopher Brunwin
7 on behalf of the Government.

8 THE COURT: Good morning.

9 MR. VODNOY: Good morning, Your Honor. Joseph
10 Vodnoy on behalf of Mr. Reed who is present in custody.

11 THE COURT: This matter is set on the Court's
12 calendar for sentencing. Are both sides ready to proceed
13 with sentencing?

14 MR. SEARIGHT: Yes, Your Honor.

15 THE COURT: Both sides ready to proceed with
16 sentencing?

17 MR. VODNOY: Your Honor, we received, as I pointed
18 out in my reply, materials about Agent Starkey's
19 investigation that occurred in October, and immediately I
20 sent an investigator to try and investigate. If that's going
21 to play any part whatsoever in the Court's determination as
22 to what the sentence should be, I would respectfully ask for
23 a continuance in order to complete the investigation. We did
24 as much as we could as fast as we could, and we were unable
25 to locate the particular marshal that we were looking for or

1 marshals. I don't know what they are going to say but it
2 seems to me that just taking the word of Shane Williams as
3 something that should impact his sentence I think would be
4 improper without allowing us an opportunity to investigate
5 those charges.

6 That seems to be the gravamen of the brief by the
7 Government. And as I said, we were here in December and no
8 notice of any kind was given to me regarding the October --
9 and this thing occurred in October, so you had all of
10 November and December to notify me. If they had notified me
11 in December, obviously, I would have had a month or more.

12 THE COURT: Well, I think it is important. I don't
13 know that it is critical for my sentence; that is, if you
14 took that information away I don't know that my tentative
15 sentence would be different, but I would grant you a
16 continuance if you wish to look into it.

17 MR. VODNOY: Yes, I certainly would like to because
18 that may --

19 THE COURT: Let me hear what the Government has to
20 say before I make a decision.

21 MR. SEARIGHT: I would not characterize it as the
22 gravamen of the Government's sentencing position. It is
23 certainly an important factor, but I would hope the Court
24 would base its sentence upon the crimes of conviction and the
25 background of the defendant. It is a factor. I don't

1 strongly object to a continuance; however, I believe that we
2 should proceed today. I believe the presentence report can
3 be relied upon hearsay and it is appropriate to proceed.

4 THE COURT: Well, I think we should proceed today.
5 I suppose I would be inclined if we proceeded today to be on
6 the safe side and not consider that incident. I think it
7 probably doesn't -- to do so would not change my tentative
8 ruling, but to be fair to the defense and, too, I think the
9 Government could have informed you a bit earlier. They did
10 not do so. I will treat this as an objection to -- or treat
11 your last filing on Friday as an objection to the Court
12 considering that and I will sustain it.

13 MR. VODNOY: All right, Your Honor. Then I'm
14 prepared to proceed.

15 THE COURT: The presentence report was filed on
16 November the 9th. Have you reviewed the presentence report
17 with your client?

18 MR. VODNOY: Yes, Your Honor.

19 THE COURT: Mr. Reed, good morning.

20 DEFENDANT REED: Good morning, Your Honor.

21 THE COURT: Have you seen the probation officer's
22 report in your case?

23 DEFENDANT REED: Yes, I have.

24 THE COURT: And you have reviewed it with your
25 lawyer?

1 DEFENDANT REED: Yes, I have.

2 THE COURT: In addition to the presentence report
3 the Court has reviewed the following: The Government's
4 position paper filed on January the 3rd, the defendant's
5 position or sentencing memorandum filed on December the 22nd
6 and a supplemental one filed on January the 13th. In
7 addition, numerous letters have been submitted on behalf of
8 the defendant. And I don't recall -- I think they were
9 attached to the December 22nd filing. They may have been
10 separately submitted, but there were numerous letters from
11 members of the defendant's family and others.

12 Is this everything that both sides have filed?

13 MR. SEARIGHT: Yes, Your Honor.

14 MR. VODNOY: Yes.

15 THE COURT: All right. There were no objections to
16 any factual matters set forth in the presentence report. The
17 only objection, as stated just a moment ago, is to the
18 Court's consideration regarding an incident between the
19 defendant and Mr. Shane Williams and I've sustained the
20 objection. I wouldn't consider that.

21 My tentative ruling after consulting the guidelines
22 and considering them as advisory in determining a reasonable
23 sentence in this case is to sentence the defendant to a term
24 of life imprisonment. The offense level in this case is
25 calculated at 44 based on a base offense level of 38, plus

1 with an upward adjustment of 2 levels because of the
2 possession of a dangerous weapon and further upward
3 adjustment of 4 levels as the defendant was the leader of
4 this conspiracy which results in a total offense level of 44.

5 The defendant's criminal history category is 2.
6 The defendant requests a sentence of less than life, argues
7 essentially an argument of sentencing entrapment; that is,
8 that the agents could have arrested him much earlier in the
9 case before so much PCP was manufactured. And, of course,
10 the amount of PCP is what drives the offense level; however,
11 there is no showing that the defendant here lacked the intent
12 to produce the amount of drugs at issue, nor that he lacked
13 the capacity to do so. Those are the two things that a
14 defendant making an argument of sentencing entrapment has the
15 burden of showing. I cannot find that the defendant here has
16 satisfied a showing of either of those two crimes.

17 The defendant requests that the defendant receive a
18 sentence of life.

19 Looking to the factors set forth under 18 United
20 States Code, Section 3553(a), starting with the nature and
21 circumstances of the offense, this is a far flung conspiracy
22 and Mr. Reed personally recruited I think nearly all of the
23 defendants, many whose lives have been ruined or
24 substantially damaged by this. And, of course, there are
25 many others that the Court doesn't know about whose lives

1 have been ruined by the use of PCP.

2 The history and characteristics of the defendant.
3 Mr. Reed was raised -- his parents may not have done by him
4 as they should have, as they abandoned him pretty young. He
5 was raised by grandparents in a stable home. And, of course,
6 many of the letters, many, many of the letters that were sent
7 on his behalf talked about how well he was raised by his
8 grandparents and how Mr. Reed and his siblings were taken to
9 church and given everything they needed. They had a far
10 better home life -- early home life than many of his
11 co-defendants. And it's hard to see how the -- to say it
12 another way, the defendant's own letter to the Court stresses
13 what he describes as his desire to continue to bring up his
14 children as law abiding and church going citizens. And it's
15 hard for the Court to give that much credence in light of his
16 own activities in this case.

17 A need for the sentence to reflect the seriousness
18 of this offense, to promote respect for the law and to
19 provide just punishment, as the Government points out, the
20 amount of drugs involved in this case is many, many times the
21 amount that would merit a life sentence under the guidelines.
22 So it is hard to think of a sentence that would better meet
23 that factor in terms of seriousness. And, of course, that is
24 only one half of the conduct here, because the other part of
25 the case, as the Government argued at trial, is the firearms,

1 and in particular the silencers and the AK-47. Those are not
2 -- there is only one purpose for an AK-47 the Government
3 argues and there is certainly only one purpose for silencers.

4 The need to afford adequate deterrence to criminal
5 conduct, it is difficult to determine what would deter this
6 defendant from future criminal conduct. And, for example,
7 the continued manufacture of PCP even after the seizure of
8 the van in the middle of this investigation really shows that
9 the defendant wasn't -- well, subject to much deterrence.

10 The need to protect the public from further crimes
11 of the defendant, the violence of the defendant is shown, as
12 I said a moment ago, by the silencers in this case, the
13 threats that were captured on the wiretap conversation, and
14 of course, the dangerous nature of the drug that was being
15 manufactured, the dangerous nature of the manufacturing
16 process and the dangerous nature of the drug as it is
17 consumed by others. All of that shows the importance of that
18 factor.

19 And finally, the need to avoid undue disparity with
20 similarly situated defendants, there were a number of
21 defendants in this case, and many of them have received
22 sentences in a wide range of sentences. They come from very
23 different backgrounds from the defendant and they have spent
24 their lives very differently than Mr. Reed has chosen to
25 spend his. Many of them have been really productive members

1 of society. They have stayed out of the court system until
2 they had the bad luck to get either recruited into this by
3 Mr. Reed or have the drugs planted in a lawn mower in their
4 garage by Mr. Reed or just had been down on their luck at a
5 time when they were recruited into this. And they all bear
6 responsibility for their own actions, but their sentences
7 have to reflect that. And the sentence of someone who is the
8 leader of this conspiracy and who has the responsibility for
9 so much damage and destruction has to receive a sentence that
10 reflects that. As I said, my tentative ruling is to impose a
11 sentence of life.

12 Do you wish to be heard?

13 MR. VODNOY: Yes, Your Honor. Thank you.

14 First of all, with respect to the drugs themselves,
15 it is our opinion that the quantity was exaggerated during
16 the trial. I did object at that time to the experts taking
17 what was a smaller amount and making it into a larger amount.

18 I also objected with respect to Shane Williams who
19 buried his own product in the desert and then -- and was, in
20 fact, contradicted by his family. Although the jury did not
21 hear it, Your Honor did hear that.

22 THE COURT: I did. I did not find your attack on
23 Mr. Williams' credibility to be persuasive. You've said --
24 well, I'm going to leave aside this recent incident because I
25 have sustained your objections to it so we won't go into

1 that. But a small part -- well, some part of your sentencing
2 argument has been based on an attack on the credibility of
3 some of the witnesses who testified and I just have to say
4 for the record, well, both as to Mr. Williams and
5 Mr. Stinson, that I found both of them to be unusual
6 cooperating witnesses.

7 MR. VODNOY: Well, of course, I would disagree,
8 particularly in view of the fact that we had his sister and
9 his family; that is, Mr. Shane Williams' family stating that
10 he had --

11 THE COURT: You did not. You had triple or
12 quadruple hearsay.

13 MR. VODNOY: Exactly. That's why you didn't --

14 THE COURT: It's not only that it wasn't
15 admissible, but the reason it's not admissible is because
16 it's not reliable. So had -- you presented the Court with
17 something that was inherently unreliable and now you're
18 arguing as though those persons came into court and said the
19 things that you're arguing which is not the case.

20 MR. VODNOY: That is true. I simply point out that
21 Your Honor had the benefit of those reports that I brought to
22 the Court's attention.

23 THE COURT: Which were triple or quadruple hearsay.

24 MR. VODNOY: They may have been, but they were
25 Shane Williams' family members, and although the jury didn't

1 hear and Your Honor did, now we are at the sentencing, so it
2 is, in effect, like a court trial, in effect, so that you did
3 have the information.

4 THE COURT: I would not admit it at a court trial
5 because it is inherently unreliable.

6 MR. VODNOY: For whatever that point is worth,
7 which is nothing, I want to make it anyway because I want to
8 try to cover the bases.

9 With respect to the violence that seems to be a
10 factor, I would point out that actions speak louder than
11 words. Throughout this entire investigation that went on for
12 years apparently, according to Detective Labbe, not one
13 person can be said to have been injured, assaulted, killed,
14 attempted to be killed, anything. So we're talking about --
15 what kind of actions are we talking about? There is none.
16 There's no actions. Otherwise, he would be sitting in court
17 somewhere with some kind of a violent crime being charged
18 against him. None was ever done.

19 And I would have to say that in terms of the
20 surveillance and the wiretaps, and they looked at him in a
21 microscope, all we got was conversations. And as I pointed
22 out in my reply brief, when you have white men translating
23 black slang you get the wrong answer. I mean, I'm going to
24 hit you tomorrow. Now, that may mean if I say it that I'm
25 going to do something to you or I'm going to kill you or I'm

1 going to hit you or do something, but it was obvious from the
2 context in which that was mentioned that hit him yesterday
3 meant he was going to see him tomorrow. So, obviously, he
4 didn't hit anybody. He talked to them on the phone.

5 Now, I'm not an expert on black slang but neither
6 is the Government as well, and to suggest that this is a
7 dangerous guy because he's talking about hitting people when
8 it is just a slang expression for talking to them, I find
9 that --

10 THE COURT: But how do you get around the silencers?

11 MR. VODNOY: Well, the silencers were at somebody's
12 apartment. They were not used in any way. I mean, the fact
13 that --

14 THE COURT: Are you suggesting your client
15 collected them?

16 MR. VODNOY: Could be.

17 THE COURT: Could be.

18 MR. VODNOY: The bottom line was that they were
19 never used. He never took them out and put them --

20 THE COURT: It is illegal, as you know.

21 MR. VODNOY: No question.

22 THE COURT: Well --

23 MR. VODNOY: You know, possession of guns -- even
24 with possession of guns it's not a crime of violence. Using
25 a gun is a crime of violence. Threatening somebody with a

1 gun is a crime of violence. Possessing a weapon in somebody
2 else's place that apparently was so high up that he couldn't
3 reach it, to me, is not a crime of violence.

4 Now, of course, he was convicted of the
5 possession. I mean, the probation officer was aware of all
6 of these things. My client was facing a mandatory minimum of
7 20. The probation officer on pages 3 and 4 of the probation
8 report talks about the various factors that Your Honor set
9 forth regarding the 18 USC 3553(a) and concluded -- and this
10 is, from what I understand, not some completely hard liberal
11 probation officer, concluded that 25 years, which is my idea
12 of a lifetime.

13 THE COURT: The probation officer's recommendation,
14 it's irrelevant.

15 MR. VODNOY: It's not irrelevant. I think it's --
16 whatever you say is what's relevant, per se, but, I mean, in
17 terms of relevancy they're making a recommendation to the
18 Court. And some courts follow the recommendation of the
19 probation department and some don't, but certainly it is
20 relevant.

21 THE COURT: I misspoke. You're right. It is not
22 irrelevant, but if there's anything in the probation report
23 that you object to -- there wasn't.

24 MR. VODNOY: No.

25 THE COURT: You made no objections to anything in

1 the probation report.

2 MR. VODNOY: Right.

3 THE COURT: They have a recommendation.

4 MR. VODNOY: Right. That's either persuasive or
5 non-persuasive. When you say it's irrelevant, I have a
6 little problem with that. It seems to me that he has a
7 function to perform.

8 THE COURT: I misspoke and I shouldn't have said
9 irrelevant. It is up to the Court to decide what the
10 sentence is.

11 MR. VODNOY: Of course, of course.

12 THE COURT: To argue that I should just accept the
13 probation office's recommendation is not persuasive.

14 MR. VODNOY: Well, that's true. Obviously, not
15 persuasive, but I simply point out that someone who is a
16 neutral person -- I mean, obviously, what I have to say in
17 terms of what I think he should get has a bias and prejudice
18 because I am his lawyer and I want him to get the least
19 amount of time possible. On the other side, the Government
20 is asking for the most time possible and somewhere in the
21 middle is the probation officer. And that's why I felt that
22 it was important to state on the record, as you well know,
23 that this probation officer after analyzing the various
24 things under 3553 determined that a 25-year sentence was
25 sufficient.

1 Somebody said to me -- of course, I'm an oldie, but
2 if somebody had said to me when I was 38 that I was going to
3 spend 25 years anywhere in prison, I certainly wouldn't
4 consider that a gift. I would consider that, you know, in
5 effect, a lifetime. And it seems to me that you can make the
6 point with 25 years, which is hardly, hardly a light sentence
7 by anybody's standards, the same way you can say, well,
8 there's no hope for you. You will never see your children
9 again. You will never get out.

10 Nobody got killed. Nobody got shot, you know, and
11 if half of this is the quantity and half of this is the
12 violence, there is no violence. There is possession of guns
13 with silencers. He got convicted of that. But that's not a
14 crime of violence. And I really was offended by this whole
15 business about the violence because there was not. And then
16 when I looked at the transcript, because we're talking about
17 hit people, oh, my God, he is planning a murder, I hit him
18 yesterday and I will see him tomorrow. That's the kind of
19 thing that you shouldn't --

20 THE COURT: You didn't make an objection, but I
21 will consider that as an objection to that interpretation.

22 MR. VODNOY: I certainly do.

23 THE COURT: All right. It doesn't really change --
24 well, let me hear from the Government. I think there are
25 plenty of other threats that were made that were explicit in

1 these transcripts.

2 Mr. Searight or Mr. Brunwin, do you wish to be
3 heard?

4 MR. SEARIGHT: Is Mr. Vodnoy finished at this
5 point?

6 THE COURT: Well, why don't you go ahead and
7 address that issue.

8 MR. SEARIGHT: Okay. With regard to the telephone
9 calls, if you look at that transcript he attached, I don't
10 see that it's talking about hit me back on the telephone.
11 The language, in fact, is very different from that. It
12 states, you know, they going to hit hard. That doesn't mean
13 hit me back on the telephone.

14 THE COURT: As I -- well, go ahead. I recall it a
15 little differently. I recall that during the trial when this
16 was discussed, when that was played and discussed, I believe
17 that it was interpreted by the witness on the stand and a
18 couple of other witnesses who testified that they were
19 talking about the competition in the drug selling business,
20 were going to increase their efforts to gain a share of the
21 market.

22 MR. SEARIGHT: That may be, although I'm not sure
23 --

24 THE COURT: Well, Detective Labbe is nodding. Is
25 this coming back to you?

1 MR. LABBE: I would have to -- I think the call
2 that I was talking about is between Williams and Reed. I
3 think that's the call. I would tend to agree with the Court,
4 if that was the call.

5 THE COURT: I think that was the context.

6 MR. SEARIGHT: That may be. I'm not sure this
7 particular call was actually played during the trial, the one
8 that he's appended to the sentencing report, although I could
9 show it to Detective Labbe. We didn't just outline that
10 particular call. There were several. There was one to
11 Ms. Brooks. You might initially think, oh, he's just angry.
12 Then he immediately gets on the phone to one of his friends
13 and says the very same thing.

14 So, again, I persist in believing that he is
15 extremely violent. You cannot get away from those silencers.
16 You cannot make a claim that the silencers are there for
17 self-defense. If you're engaging in self-defense, why would
18 you need silencers on guns? All you can draw a conclusion
19 from is he had not one of those, but two of those with the
20 intention in his mind that he would use them to kill other
21 human beings. That is the only conclusion you can draw.

22 MR. VODNOY: Your Honor.

23 THE COURT: Mr. Vodnoy.

24 MR. VODNOY: With respect to this hit business, and
25 years ago when I was representing exclusively black clients,

1 I would have done a much better job in translating slang, but
2 it talks about the fact you're going to talk to him. Yeah, I
3 hit him yesterday, the other day, so I'm going to get with
4 him. What could be clearer? And you don't have to be black
5 to understand.

6 THE COURT: Well, what about the threats on Taniel
7 Brooks?

8 MR. VODNOY: You know, he's a small man physically
9 and talk is cheap. I mean, as I pointed out in a sort of
10 legal way in a sense, that he may talk the talk, but he
11 doesn't walk the walk. And what that means -- I'm sure Your
12 Honor has heard that expression -- is that in reality after
13 you get -- when the dust clears, nobody got hurt ever and
14 that's the point. You know, they make a big issue about the
15 silencers but it never was used. I can understand a life
16 sentence if some people got shot and buried and killed and
17 assaulted, you know, this kind of thing. Then you can say,
18 yeah, this guy is so violent that he's got to be put away
19 because he's never going to change. But, I mean, to rest
20 half on the quantity of the drugs and half on violence, 25
21 years is enough for the drugs.

22 THE COURT: I don't recall saying that that's what
23 I was doing.

24 MR. VODNOY: I mean that was the Government's
25 position that -- it seems to me 25 years is more than enough

1 to cover the drugs. So if you're left with the difference
2 being you're going to go past the 25 into life without parole
3 and never get out, that has to be the violence aspect, in my
4 analysis in any event. And there is no violence. That's the
5 bottom line. There is talk, there's threats, but talk is
6 cheap and it was never followed through.

7 And as I point out, this is not a situation where
8 they lost him for months on end and God knows what happened
9 during the time that they didn't -- they were on him every
10 day. We have thousands of tapes and talking every day and
11 they were following him and they had surveillance and this
12 and that, and nothing was ever shown. And it really bothers
13 me that, you know -- I don't know if I could pass -- not that
14 I'm running around killing anybody, but, you know, somebody
15 listening to all my calls and surveilling me everywhere I
16 go. I mean, most of us, you know, would do something wrong
17 that -- besides the drugs -- if that was our nature. If it
18 was my nature to be a violent person, I would be having
19 confrontations. I would be having things. You've got NFL
20 players involved with shootings and this and that and here he
21 is, he's talking, talking, talking, but nobody is getting
22 hurt.

23 Now, I understand Your Honor says people are
24 getting hurt by the drugs and I understand that, but that's
25 what 25 years is for. But to add the additional life, you

1 know, without parole because he is a violent person, because
2 he's got some silencers in somebody else's house that were
3 never used against anybody, that I think is wrong. I will
4 submit it, Your Honor.

5 THE COURT: Mr. Searight. Mr. Searight and then I
6 will --

7 MR. SEARIGHT: I actually want to go in a slightly
8 different direction. I disagree with what Mr. Vodnoy has
9 said focusing only upon the drugs that a 25-year sentence is
10 appropriate. Focusing on the drugs I believe that a life
11 sentence is appropriate. And, of course, under 3553(a)(2)(A)
12 the sentence should reflect the seriousness of the offense.

13 Mr. Vodnoy has spoken with respect to Shane
14 Williams and I'm not going to, of course, refer to those
15 things which have been stricken by the Court, but I do want
16 to talk about Shane Williams in two aspects that I think
17 everyone here would agree with. And those two things are
18 this: First of all, Mr. Williams' life cannot be
19 characterized any different than to say, up to this point at
20 least, it has been hell. The other thing that you can say
21 about Shane Williams is that for much of his life Shane
22 Williams was a PCP addict.

23 When he came here you had -- the Court looked at
24 him with respect to his children, his girlfriend, the effects
25 of his past on his family and, of course, looking at him.

1 You look at Shane Williams, as he testified, he is certainly
2 intelligent. He seems quite hard working, but his life has
3 been terrible and he has been a PCP addict.

4 The Court I know has seen many drug cases. It is
5 hard to take various types of drugs, cocaine, speed, PCP, and
6 say which one is more destructive than the other, but I think
7 it is fair to say that PCP does have a particular physical
8 destructiveness on the nervous system and on the brain.

9 The Court is aware that usual dosages of PCP, you
10 take a cigarette, you dip it into the stuff, and then you
11 smoke it. And the smaller cases you've seen it is usually
12 vanilla extract bottles at which the person is selling from
13 time to time.

14 If you took the amount of PCP consumed by Shane
15 Williams in his entire life it would be a fraction of what
16 was distributed by the defendant in this case.

17 At the beginning of the case we heard from Donald
18 Hunter and the purchase of the half gallon of PCP in this
19 case out in the parking lot of the Food 4 Less and Taco
20 Bell. There was a lot of questions both by myself and
21 Mr. Vodnoy and the other attorneys with respect to the fact
22 that Mr. Hunter would put in a lot of calls to Mr. Reed and
23 Mr. Reed wouldn't call him back. That happened many, many
24 times. And Mr. Hunter explained why that was the case. He
25 said, well, I'm only buying a half gallon. That's nothing to

1 Mr. Reed and that's why he's not calling me back. But in his
2 lifetime Shane Williams dipping those cigarettes isn't going
3 to use a half gallon.

4 The conclusion you've got to draw from those
5 175 gallons that were found by the jury in this case is that
6 there are probably a lot of Shane Williamses out there in the
7 world, people who are addicts, with the defendant, in fact,
8 feeding that addiction.

9 Now, all drug use is to some degree a voluntary act
10 by the person consuming the drugs. You can debate the pluses
11 and minuses of that, to what extent it is and it is not, but
12 you saw Shane Williams. Pretty smart guy. He's a hard
13 working guy, gets out and wants to get his contractor's
14 license. He said when he testified, I never wanted to have
15 that PCP near me because if it was near me I knew I would use
16 it. That's one example.

17 And then, of course, you have the repercussive
18 effects of 175 gallons out there. Addicts steal, they rob,
19 they commit burglaries, there may be prostitution involved,
20 violent acts, all of that reverberates out there based on
21 those 175 gallons in this case.

22 But I don't mean to say that you have to engage in
23 this sort of abstract calculation as to who these other
24 people are out there who have been effected by it. Your
25 Honor, of course, has seen it in this case just about every

1 Monday morning for the last two years. Just to look at the
2 face of the Indictment in this case you can see what effects
3 that PCP has had on the community.

4 Go through some of the names. Way back when, Craig
5 Smith. He stood up here. Back there was his girlfriend. He
6 is the guy who had the light freckles on his face. Back
7 there in the back was his girlfriend wearing a white coat.
8 Mr. Smith -- you got a sense that it was his girlfriend who
9 was working very hard to keep him on track, and she wasn't
10 able to do that. When she was off at work he made some
11 contact with Mr. Reed and sold quantities of PCP.
12 Mr. Smith's girlfriend has leukemia. She's going in and out
13 of treatment. And that's the situation they are in now. I
14 don't mean to say that Mr. Smith didn't engage in voluntary
15 activity but, of course, Mr. Reed was there with the
16 opportunity to sell that PCP.

17 Then let's look at some of those other people.
18 Norman Gray stood here before Your Honor. Your Honor had a
19 little bit of difficulty taking the plea and doing the
20 sentencing with regard to Mr. Gray because Mr. Gray has had
21 multiple strokes and has a birth defect in his carotid
22 artery. Mr. Gray is ambulatory but he is not in good
23 physical condition. He sold quantities of PCP that were
24 provided by Mr. Reed. He is now off doing approximately
25 four years in prison. Voluntary act by Mr. Gray but, of

1 course, it is the defendant who supplied that PCP.

2 Then you look at some of the other individuals, and
3 I won't go through all of them. The Court remembers I'm sure
4 the sentencing of Traniel Brooks. Even before Ms. Brooks
5 stood before -- even before Ms. Brooks met the defendant, her
6 life had been extremely unfortunate. Then the defendant
7 comes into her life and it certainly doesn't get any better
8 after that point.

9 Then look at Ms. Knox. If you take -- and we're
10 apart from the drugs, but if you take what Ms. Knox says that
11 she didn't know what silencers were or didn't know exactly
12 what was up there, what does that mean? That means this
13 defendant has gone over to a person he doesn't know that
14 well, put these loaded -- those guns were loaded -- weapons
15 with silencers on them up above her refrigerator when she has
16 got a little kid there, and if you take what she says is
17 true, didn't tell her. Didn't tell her exactly how much of a
18 risk she was exposing herself to.

19 Lastly, Harry Phillips. Basically, Mr. Phillips
20 stood up here. He seemed like basically a law-abiding
21 citizen and has been for quite a long period of time. Maybe
22 ten years ago he had a traffic matter but that was about it.
23 He became very briefly involved when he helped Lee Johnson go
24 up to one of the labs in Palmdale. Harry Phillips, good
25 musician, good member of the community, now has a felony

1 conviction.

2 You don't need to engage in all those abstractions
3 about how many people were damaged by this. Your Honor has
4 seen them over and over again. What 3553(a) says is it
5 should reflect the seriousness of the offense. Those people
6 out there, they have either lost their lives in their
7 entirety or big chunks of their lives and the sentence should
8 reflect the seriousness of the offense. A life sentence
9 recognizes that.

10 THE COURT: Mr. Vodnoy, do you have anything to say
11 in response?

12 MR. VODNOY: Just very briefly. Shane Williams in
13 addition to being an addict is also someone who manufactured
14 drugs. All of these people, nobody suggested that somebody
15 put a gun to their head to get involved, but it is easy for
16 someone else to say, well, it's not my fault, it's somebody
17 else's fault, and place it at the feet of Mr. Reed. These
18 were adults that were making choices. And the fact that they
19 made choices and wound up in your court, that is their fault,
20 their fault. And to give Mr. Reed life because a bunch of
21 adults made choices that they voluntarily made I think would
22 be wrong.

23 I think Mr. Reed wants to address the Court.

24 THE COURT: All right. Mr. Reed, before I sentence
25 you, you have the right to speak. You may join your attorney

1 at the lectern.

2 DEFENDANT REED: Yes. I just want to say, Your
3 Honor, a couple things. First of all, Your Honor, I ain't
4 this monster who the Court, the agents and the Government is
5 making me out to be. You know, I would like to start with
6 Shane Williams. He's not no addict, drug addict, who he
7 testified to be. He's a manufacturer. If you check his
8 body, he's got chemical burns all over his body from
9 manufacturing PCP.

10 Norman Gray, he's a manufacturer. You know, I
11 didn't have them doin' nothing. They was doing things on
12 their own without me.

13 And another thing, they didn't like, not the
14 silencers, you know, I ain't the type of person that would
15 speak on other people or say things. I listened to what was
16 going on about the silencers. My cousin got on the stand and
17 testified that I brought the silencers to Knox' house, put
18 them -- I was too short so he stuffed them in the cabinet.
19 If you clearly listen to the tape with Knox -- with me and
20 Knox talking, I admit I had a little gun at Knox' house.
21 When I called her I asked her about my little one. And she
22 said -- she stated I don't know the little one from the big
23 one.

24 And when she said that Kim Stinson -- she said I
25 asked her, no -- I asked her about -- no, let me see. When

1 she said that Kim and her was the ones that took the guns to
2 her house at night, and I asked her, I said -- when she said
3 she don't know the little one from the big one and she
4 said -- that I asked her about Traniel knew the big one was
5 at your house and she said she know what me and Kim did that
6 night. You know, he got up there and testified that I
7 brought them there. I never even took those guns to her
8 house. Her and Stinson took the guns there. He lied about
9 me placing the guns up there. That was all lies that they
10 told.

11 And then, of course, the PCP, in the beginning in
12 February Donald Hunter, you know, he was calling me but he
13 was around me. He was building studios. I was giving him
14 work to build studios. And he kept asking me over and over.
15 And I wasn't even doing drugs at the time. And Kim was his
16 best friend running with him. And Stinson was living with me
17 at the time. So Labbe hooked up with Stinson and Donald
18 Hunter and what they have been trying to hide to the Court is
19 Stinson, like he's a co-defendant when he really was an
20 informant.

21 He kept asking me, bugging me, you know, to sell
22 him the PCP, to get it for him, and I wouldn't indulge him.
23 I found -- he was at home. Kim, if you listen to the calls,
24 the tape monitored calls, you can see how they set me up.
25 Kim would call -- Donald would call him at like 9:00 in the

1 morning and he said, "Where's Old Boy at?" And he was
2 talking about me.

3 "He's not here."

4 "Oh, because my bride is here. Man, she want to do
5 that thing."

6 When he said that, Kim said okay, let me call him
7 right now. So when they hang up, 20 minutes go by.

8 Donald called back again and said, "Man, what's up?
9 She is getting tired of waiting." And when he said that Kim
10 said, "He was going to call you." All the time this is
11 taking place, Your Honor, they are trying to make it look
12 like I wasn't there. I was in the house with Kim all the
13 time this was taking place.

14 So the next call should be coming from me calling
15 Donald if I said I'm going to call him, but the next call is
16 not coming from me, it's coming from Kim Stinson. He called
17 Donald back and say, "Oh, look, man, here's his number. He
18 wants you to call him right now." So when he hung the phone
19 up, Kim came right in the room with me -- I was at home all
20 the time with Kim -- and hand me the phone and said,
21 "Donald's supposed to call you, man. He's been trying to get
22 with you all day. He's bugging me." So all the time this is
23 the way they set it up to entrap me. Kim is not a
24 co-defendant like they have been pretending him to be, Your
25 Honor.

1 And then how I really found out, after I admit to
2 making the sale and we did it, he got mad at Anthony Piggue
3 one day. And he said, "Trust me, niggah, you and my cousin
4 both going to the feds." And so Piggue called me and he said
5 man, "What's up with that, man?" I didn't pay no attention
6 at the time.

7 So then Kim was still living with me. Then July
8 came around and it was July 4th. I always give a family
9 reunion and fireworks for the kids and neighbors and stuff.
10 So after the fireworks was done Kim told -- he called his
11 girlfriend named Robin who was living out there in Rialto.
12 She wasn't at home so he left a message with her mother. He
13 said it is an emergency. Please give her this message. Do
14 not come to my residence and to my cousin Richard's and Terry
15 Jackson's residence. It is an emergency.

16 So after the 4th -- he stayed with me for two
17 years. He left that night. He never came back home.
18 July 10th my doors got kicked down. And after that Robin
19 came by like on the 13th and she said she was worried about
20 us. And I asked her why and my cousin Richard asked her why.
21 She said because Kim left a message for me not to come to
22 your residence, it's an emergency. So I knew then what was
23 going on. I knew he had set me up and was working with
24 Labbe. And after that I didn't see him no more.

25 So we get picked up October 27th. That's the last

1 time I seen Kim. And when I seen him we was all at the
2 holding tank. He was released and in the room eating pizza
3 with the agents, with Labbe and Michelle Starkey and they're
4 eating pizza with the agents. And I never seen him again.

5 And this is how I end up in solitary. When I
6 finally get to San Bernardino, I asked my sister to contact
7 him to see if she can find him and tell him that I love him
8 and I forgive him, just come to court and tell the truth that
9 he was an informant working for Labbe. And Agent Starkey,
10 they took that conversation and twisted it that I was
11 threatening people and I was going to kill him. And all I
12 said was find him and tell him I love him and I forgive him.
13 And they took that and got me put away for two years in
14 solitary where I remain today.

15 You know, I admit to my actions, Your Honor, but a
16 lot of this stuff, you know, I've been quiet and watching it
17 go on, you know. And they've been hiding the fact like he's
18 a co-defendant when he really was an informant.

19 And Shane Williams is a manufacturer. He get up on
20 the stand and he lied. He buried that PCP. When I seen him
21 when I was down -- when they brought me down to fingerprint
22 me, they set me up. They had him down there waiting for me,
23 you know, okay? But he had said some things to me, you know,
24 start calling me, your crew and all your snitches, how did
25 they find my stuff I buried. And I was like, you know, it is

1 like how they come here and they get on the stand and they
2 just lie. And they make me out to be this monster that I'm
3 not.

4 You know, if you listen to the tapes good, you can
5 see on the silencers that I was never there. Kim Stinson and
6 Natalia Knox had took the guns to her house. When I asked
7 her about my little one, she said I don't know the big one
8 from the little one and I said she know the big one is over
9 there. Because I knew they were there. Kim told me they was
10 there. That's when she said what does she know that me and
11 Kim did that night, stating that they took the guns there.

12 MR. VODNOY: May I have a moment, Your Honor?

13 THE COURT: Certainly.

14 (Counsel and the defendant confer)

15 THE COURT: I'm sorry, Mr. Reed. Anything else?

16 DEFENDANT REED: Your Honor, they just make me out
17 to be this monster where I've been placed for two years. I
18 mean it's been hard for me, you know. I've got high blood
19 pressure now just from suffering, was not able to see my kids
20 for 18 months, the conversations being twisted from the agent
21 by me telling someone that I love them and I forgive them and
22 tell the truth. They twisted it to the Court and got me put
23 away for two years where I remain today.

24 And if I deserve a life sentence -- in a lot of
25 these conversations that they got in the motion is not saying

1 what they got, the way they put them. That's why they don't
2 have a call number by them. A lot of those conversations
3 they just making them up to be something they're not.

4 You know, my kids, I love my kids, too, you know.
5 I would like if you would give me a chance to reunite with my
6 kids one day, but -- and like Stinson and a lot of them
7 people that testified, they was really informants and they
8 have been hiding this all the time. I have been looking at
9 it. You know, I took him in to help him all the time, you
10 know. He hooked up with them and set me up. But I bit into
11 it and here I am.

12 THE COURT: Is there anything else that you would
13 like to say, Mr. Reed?

14 DEFENDANT REED: That's it. That's it, Your
15 Honor.

16 THE COURT: You may stay at the lectern, please.
17 Is there any legal cause why judgment should not
18 now be imposed?

19 MR. VODNOY: No, Your Honor.

20 THE COURT: The Court has considered the sentencing
21 factors set forth at 18 United States Code, Section 3553(a).
22 It has also considered the advisory guideline sentencing
23 range of life imprisonment based on the offense level of 44
24 and criminal history category of 2. It hereby imposes
25 sentence as follows: It is ordered that the defendant shall

1 pay to the United States a special assessment of \$400 due
2 immediately.

3 And pursuant to the Sentencing Reform Act of 1984,
4 it's the judgment of the Court that the defendant, Rodrick
5 Cardale Reed, is hereby committed on Counts 1, 2, 3 and 4 of
6 the First Superseding Indictment to the custody of the Bureau
7 of Prisons to be imprisoned for a term of life. This term
8 consists of a life sentence on each of Counts 1, 2, 3 and 4
9 of the First Superseding Indictment to be served
10 concurrently.

11 In the event that the defendant is released from
12 imprisonment, he shall be placed on supervised release for a
13 term of 5 years on each of Counts 1, 2 and 3 and 3 years on
14 Count 4 of the First Superseding Indictment, such terms to
15 run concurrently under the following terms and conditions:

16 He shall comply with the rules and regulations of
17 the U.S. Probation Office and General Order 318.

18 He shall pay the special assessment in accordance
19 with this judgement's orders pertaining to such payment.

20 He shall refrain from any unlawful use of a
21 controlled substance and submit to one drug test within
22 15 days of release from imprisonment and at least two
23 periodic drug tests thereafter not to exceed eight tests per
24 month as directed by probation.

25 He shall participate in outpatient substance abuse

1 treatment and submit to drug and alcohol testing as
2 instructed by probation and abstain from using illicit drugs,
3 abusing alcohol and prescription medications during the
4 period of supervision.

5 And during the course of supervision the probation
6 office, with the agreement of defendant and defense counsel,
7 may place the defendant in a residential drug treatment
8 program approved by the probation office, and that may
9 include counseling and testing. And if so, then he shall
10 live in the treatment program until he is discharged by the
11 program director and the probation office.

12 As directed by probation he shall pay all or part
13 of the cost of treating any drug addiction. And he shall
14 provide payment and proof of payment as directed by
15 probation. And he shall cooperate in a collection of a DNA
16 sample.

17 Is there a request for placement in Southern
18 California?

19 MR. VODNOY: Yes, Your Honor.

20 THE COURT: That will be the recommendation to the
21 Bureau of Prisons.

22 Mr. Reed, you have the right to appeal your
23 conviction and your sentence. And once your notice of appeal
24 is prepared you may ask the clerk of court to file it for
25 you. You may also ask that you be allowed to file it without

1 paying the usual required fees. And with very few
2 exceptions, any notice of appeal has to be filed within
3 10 days from today's date.

4 Do you understand your appeal rights?

5 MR. VODNOY: Your Honor, I have prepared a notice
6 of appeal. The only thing -- and I'm Court-appointed as you
7 know and he has no money -- can I turn that in to your clerk
8 even though we don't have a copy of the judgment order?

9 THE COURT: That has to be filed downstairs.

10 MR. VODNOY: Filed downstairs. Can I file it
11 without the judgment order?

12 THE COURT: That you'll have to check with the
13 clerk downstairs, but I think it can be filed as of today
14 because the judgment and commitment order will issue today,
15 today or tomorrow.

16 Is the underlying Indictment to be dismissed?

17 MR. SEARIGHT: Yes, with regard to this defendant.

18 THE COURT: It is so ordered.

19 MR. VODNOY: Thank you, Your Honor.

20 THE COURT: All right. Thank you very much.

21 The defendant is remanded to the custody of the
22 United States Marshals.

23 (Proceedings concluded)

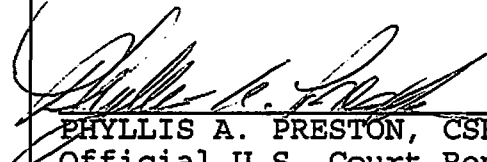
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C E R T I F I C A T E

DOCKET NO. EDCR 03-84(A) VAP

I hereby certify that pursuant to Section 753, Title 28, United States Code, the foregoing is a true and accurate transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.


PHYLLIS A. PRESTON, CSR
Official U.S. Court Reporter
License No. 8701

DATED: June 26, 2006